

\_\_\_\_\_ BILL NO. \_\_\_\_\_

INTRODUCED BY \_\_\_\_\_  
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ESTIMATE THE ACTUAL PRICE OF A GALLON OF DIESEL FUEL OR GASOLINE; REQUIRING THE DEPARTMENT OF LABOR AND INDUSTRY TO POST THE ESTIMATED ACTUAL PRICE OF A GALLON OF DIESEL FUEL OR GASOLINE ON COMMERCIAL FUEL PUMPS; DEFINING "ACTUAL PRICE"; AND AMENDING SECTION 82-15-101, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Posting of actual price estimate of gallon of diesel fuel or gasoline.**

(1) Every 2 years, the department of environmental quality shall use the best available science to estimate the actual price of a gallon of diesel fuel, gasoline, or ethanol-blended gasoline.

(2) The department shall post or update the information obtained in subsection (1) on every commercial diesel fuel, gasoline, or ethanol-blended gasoline pump using a notice that is at least 3 inches x 5 inches.

**Section 2.** Section 82-15-101, MCA, is amended to read:

**"82-15-101. Definitions.** As used in this part, the following definitions apply:

(1) "Actual price" means the cost of producing, refining, and using a gallon of diesel fuel, gasoline, or ethanol-blended gasoline, including but not limited to:

(a) state and federal taxes;

(b) state and federal tax and program subsidies given to the oil industry;

(c) costs created by changes to the climate caused by motor vehicle exhaust;

(d) military expenses generated by protecting access to oil in politically unstable regions of the world;

(e) health care costs for treating respiratory illnesses caused by air pollution from motor vehicle exhaust;

and

(f) costs associated with improper disposal of junk motor vehicles, batteries, tires, and engine fluids.

(+) (2) "Antiknock index number" means the octane rating of the antiknock characteristics of a grade or type of motor fuel determined as provided in 16 CFR 306.0.

~~(2)~~(3) "Dealer" means any person engaged in the petroleum business and includes petroleum dealers and liquefied petroleum dealers.

~~(3)~~(4) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

~~(4)~~(5) "Liquefied petroleum dealer" means a dealer engaged, directly or indirectly, in the business of delivering or distributing to a consumer or of selling or offering or advertising for sale or refining or manufacturing or keeping for sale in this state any petroleum product composed predominately of ~~any of the following~~ hydrocarbons or mixtures of hydrocarbons: including propane, propylene, butanes (normal butane or isobutane), and butylenes but excluding prepackaged liquefied petroleum products.

~~(5)~~(6) "Liquefied petroleum product" means a product composed predominately of ~~any of the following~~ hydrocarbons or mixtures of hydrocarbons: including propane, propylene, butanes (normal butane or isobutane), and butylenes.

~~(6)~~(7) "Liquefied petroleum product container" means a container approved by the American society of mechanical engineers that can hold 110 gallons or more of a liquefied petroleum product.

~~(7)~~(8) "Mislabeled" means a package label or dispensing device of a product that bears any statement, design, or device regarding the product or regarding ingredients or substances in the product or regarding the properties, quality, or kind of products that is false or misleading in any manner.

~~(8)~~(9) "Owner" means a person:

(a) who is listed with the American society of mechanical engineers or with the manufacturer as owner by the serial number of the liquefied petroleum product container;

(b) who holds a written bill of sale or other instrument under which title to a liquefied petroleum product container was transferred; or

(c) who holds a paid invoice showing purchase of and payment for a liquefied petroleum product container.

~~(9)~~(10) "Person" means an individual, trust, estate, partnership, corporation, joint-stock company, firm, agency, association, or any receiver appointed by law.

~~(10)~~(11) "Petroleum dealer" means a dealer engaged, directly or indirectly, in the business of delivering or distributing to a consumer or offering or advertising for sale, refining, manufacturing, or keeping for sale in this state any gasoline, kerosene, distillate, road oil, fuel oil, lubricating oil, or greases or any oil or gas or oil and gas product except prepackaged petroleum products and except as otherwise defined as a liquefied petroleum dealer

1 ~~in subsection (4).~~

2 ~~(11)(12)~~ "Sell" and "sale" includes barter and exchange."

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4 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an  
5 integral part of Title 82, chapter 15, part 1, and the provisions of Title 82, chapter 15, part 1, apply to [section 1].

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